

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA,

MEMORANDUM AND ORDER
91-CR-1156(DRH)

-against-

JOE K. LEE,

Defendant.

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A P P E A R A N C E S:

For the Government:

Loretta Lynch
United States Attorney
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722
By: Richard T. Lunger, A.U.S.A.

For Defendant:

Steven L. Keats, Esq.
131 Mineola Blvd.
Mineola, New York 11501

HURLEY, Senior District Judge

Pending before the Court is an application by defendant Joe K. Lee ("Lee" or "defendant") for an order pursuant to 18 U.S.C. Section 3583(e)(1) for early termination of supervised release. The application is opposed by the United States Attorney.

On May 14, 1993, defendant was convicted of conspiracy to possess with intent to distribute heroin, and possession with intent to distribute heroin. He was sentenced to 235 months of incarceration on June 3, 1993, followed by five years of supervised release. On July 7, 2009, Lee was released from prison and began his five year term of supervised release.

Section 3583(e) provides in pertinent part:

The court may, after considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7)–

(1) terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.

(18 U.S.C. § 3583(e)(1).)

The Court has reviewed the portions of § 3553(a) referenced in § 3583(e) in conjunction with the application submitted by the defendant. See generally United States v. Lussier, 104 F.3d 32, 34-35 (2d Cir. 1997). In addition, I spoke today to United States Probation Officer Tracy Weissberg, defendant's probation officer in Massachusetts. She confirmed the accuracy of the major representations contained in Lee's application for relief, and further indicated that she had no objection to an early termination of his supervised release.

Based on the foregoing, I find that the relief requested (1) is warranted given the extraordinary strides defendant has made during his two plus years of supervised release, and (2) is consistent with the interests of justice.

Accordingly, Lee's term of supervised release is terminated,
effective immediately.

SO ORDERED.

Dated: Central Islip, New York
February 8, 2012

/S/
DENIS R. HURLEY, U.S.D.J.